

# HealthInfoNet

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## Testimony

On behalf of HealthInfoNet ("HIN"), thank you for the opportunity to present this testimony with respect to Public Law 2009, chapter 230 (LD 1183), *An Act to Prevent Predatory Marketing Practices against Minors*. I appreciate the efforts of the Maine Legislature and the Joint Standing Committee on Judiciary to analyze this law. I also appreciate the opportunity to outline the concerns of HIN, a Maine health information exchange, about this law.

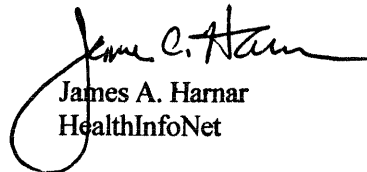
Generally speaking, the newly enacted 10 M.R.S.A. § 9552 prohibits the collection, receipt, or transfer of health related or personal information from a minor without receiving verifiable parental consent from a parent or guardian.

Health information exchanges and other health care providers are already subject to rigorous federal and state restrictions on the use and disclosure of protected health information under the Health Insurance Portability and Accountability Act of 1996 ("HIPAA") and Maine's general confidentiality law (Title 22 M.R.S.A. Section 1711-C).

As enacted, P.L. 2009, c. 230 seriously impinges upon a health information exchange's ability to facilitate health care coordination activities between health care providers. For example, the law would require parental consent prior to the exchange of protected health information relating to a minor between two physicians involved in the minor's health care. The law would also prohibit a health information exchange from submitting mandatory reports regarding minors to the Maine CDC for public health purposes. Both of these activities are allowed under applicable federal and state privacy laws.

In order to avoid unintended consequences such as those described above, we suggest that any legislation on this issue exclude those activities and functions permitted by HIPAA, Maine's general confidentiality law, and other applicable federal and state laws.

We look forward to working with the Committee and the Legislature and are happy to provide any additional information that you may need. Thank you for the opportunity to provide you with information here today.

  
James A. Harnar  
HealthInfoNet

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